

**STATEMENT ON BEHALF OF THE ASSOCIATION OF  
CONNECTICUT SHELLFISHERS (THE “ASSOCIATION”) RE HB 5085**

The Association is OPPOSED to H.B. 5085 as presently written. The Association would like the Committee to consider the following points:

1. The existing shellfish lease form gives the Department broad power already and is a strong “pro-landlord” lease.
2. The present lease form already allows the Department to “nonrenew” leases which are in default.
3. The Department is reacting to one instance in which it did not like the outcome of a court case with a single lease holder. The proposed bill would punish an entire industry because of one situation. As the saying goes “hard cases make bad law.” The Department lost that one case on procedure NOT substance.
4. The proposed language is far too broad. In fact, the proposed language is breathtaking in its sweep as it would implicate the entire business structure of the Connecticut shellfishing industries.
5. “Taking” of Rights. The proposed language would entail a “taking” of the following rights of lease holders:
  - a. The shellfishers have worked for years (in some cases decades) to make their leased beds into productive lands. To “take” those lands by “nonrenewal” of leases that are in “good standing” is a substantial break from past Department policy. The lease holders have worked and invested in these lands for years in reliance on long-standing Department policy. Nonrenewal because of a breach of a different lease by an “affiliate” is unfair, bad policy and detrimental to the industry.
  - b. Inventory. After working for years to make the leased beds productive, the lease holders have cultivated and created hundreds of thousands of dollars of shellfish product on the leased beds. Their inventory should not be taken by the state.
6. The language is discretionary, allowing the Department to pick favorites and punish “advocates” or others who are “out of favor” at the moment. The Department is opening itself to “selective enforcement” claims if it were to attempt to implement these provisions against some (or one) leaseholder, but not against others.

7. Records for enforcement. The provisions as written would require that the Department have access to company records to know names of all company “principal or corporate officers”, among other things.
8. Change in conduct of Department Policy. The Department has generally shown commendable discretion in working with its leaseholders. The proposed language implies a change in the Department’s approach which is troubling.

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